

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

YVONNE F. BROWN, CALVIN)
JOHNSON, LEATRICE JOHNSON,)
UNIQUE BROWN, YVONNE O.)
BROWN, and ESTATE OF)
ANTHONY C. JOHNSON)

Plaintiffs,)

v.)

BOROUGH OF WILKINSBURG,)
WILKINSBURG POLICE DEPT.,)
DET. JAMES CARRAWAY, DET.)
CHUCK KNOX, PTLM BRIAN)
SADLOW, SGT. MATTHEW)
MORRISON, PTLM MARK WILSON,)
DET. JINGLING of the Allegheny County)
Homicide Division, and DEPUTY)
CORONER DOMINIC of the Allegheny)
County Corner's Office, each in his)
individual and official capacity)

Defendants.)

2:04cv1695
Electronic Filing

Judge David S. Cercone
Magistrate Judge Lisa Pupo Lenihan

MEMORANDUM ORDER

Plaintiff's Complaint was received by the Clerk of Court and was subsequently referred to United States Magistrate Judge Lisa Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates

The Magistrate Judge's Report and Recommendation, filed on February 28, 2006, recommended that the Motions to Dismiss filed by (1) Defendant Carraway (Document No. 18) on November 14, 2005, (2) Defendants Wilson, Knox, Morrison and Sadlow (Document No. 38)

on January 6, 2006, and (3) Defendants Borough of Wilkinsburg and Wilkinsburg Police Department (Document No. 40) on January 6, 2006, be granted, and that this Court dismiss Plaintiffs' claims against the remaining Defendants Jingling and Dominic, for failure to prosecute and failure to serve, respectively. Service was made on all counsel of record. Objections to the Report and Recommendation were filed by Plaintiffs on March 13, 2006. After review of the pleadings and documents in the case, together with the Report and Recommendation and Plaintiffs' Objections thereto, the following Order is entered:

AND NOW, this 29th day of March, 2006,

IT IS HEREBY ORDERED that the aforesaid Defendants' Motions to Dismiss (Document Nos. 18, 38 and 40) are **GRANTED**.

IT IS FURTHER ORDERED that Plaintiffs' remaining claims are dismissed.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lenihan is adopted as the Opinion of the Court.



David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
United States Magistrate Judge

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